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17		
	UNITED STATES	DISTRICT COURT
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19	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION	
20	CISCO SYSTEMS, INC.,	CASE NO. 5:14-cv-5344-BLF (NC)
21	Plaintiff,	DECLARATION OF SARA E. JENKINS IN SUPPORT OF ARISTA'S
22	vs.	ADMINISTRATIVE MOTION TO FILE
23	ARISTA NETWORKS, INC.,	UNDER SEAL CONFIDENTIAL INFORMATION IN ARISTA'S
24	Defendant.	OPPOSITIONS TO CISCO'S MOTION TO EXCLUDE TESTIMONY OF CATE
25		M. ELSTEN (DKT. 467).
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DECLARATION OF SARA E. JENKINS

I, Sara E. Jenkins, declare as follows:

- 1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. ("Cisco"). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.
- 2. I make this declaration in in support of Arista Networks Inc.'s ("Arista")

 Administrative Motion to Under Seal Confidential Information in connection with Arista's

 Opposition to Cisco's Motion to Exclude Expert Opinion Testimony of Cate M. Elsten

 ("Opposition."). Dkt. 467. I make this declaration in accordance with Civil Local Rule 79
 5(e)(1) on behalf of Cisco to confirm that the information contained in the documents referenced in the Sealing Motion should be sealed.
- 3. As an Opposition to a Motion to Exclude Expert Testimony, Arista's Opposition is non-dispositive. In this context, materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" (*i.e.*, that the document is "sealable"). Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id*.
- **4.** Pursuant to Civil L.R. 79-5(e), good cause exists to seal the portions of the documents set forth below, because the information sought to be sealed reflects confidential information that "give[s] [Cisco] an opportunity to obtain an advantage over competitors who do

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DECLARATION OF SARA E. JENKINS IN SUPPORT OF ARISTA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL

1	not know or use it." In re Elec. Arts, Inc., 298 F. App'x 568, 569 (9th Cir. 2008) (quoting	
2	Restatement of Torts § 757, cmt b).	
3	5. The highlighted text on page 8 at lines 1-4 of Arista's Opposition contains	
4	information that was designated by Cisco as "Highly Confidential – Attorneys' Eyes Only" under	
5	the protective order in this matter. This portion of text comprises Cisco's confidential business	
6	information regarding its competitive intelligence and related strategies. Disclosing this	
7	information to Cisco's competitors would harm Cisco's business by, inter alia, allowing Cisco's	
8	competitors to learn of Cisco's competitive strategies and allowing competitors to in turn adopt	
9	and/or counteract the same. This would "harm [Cisco's] competitive standing." Nixon v. Warner	
10	Commc'ns, Inc., 435 U.S. 589, 598 (1978).	
11	6. Cisco does not seek to seal any of the other portions of Arista's Opposition or	
12	Exhibit A thereto.	
13	I declare under penalty of perjury under the laws of the State of California that the	
14	foregoing is true and correct, and that this declaration was executed in Redwood Shores,	
15	California, on August 23, 2016.	
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17	/s/ Sara E. Jenkins Sara E. Jenkins	
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ARISTA'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL

DECLARATION OF SARA E. JENKINS IN SUPPORT OF

Case No. 5:14-cv-05344-BLF (NC)